

IN THE UNITED STATES PATENT & TRADEMARK OFFICE #5

Applicant: Sarah DESMOTS et al.

Int' Ser. No. PCT/GB98/00950

US Ser. No.: 09/381,890

Filed : 30 March 1998

Title : DEPILATORY COMPOSITIONS, THEIR PREPARATION AND USE
RECEIVED

Box: PCT

Commissioner for Patents
Washington, D.C. 20231

28 JUN 2000

Legal Staff

International Division

RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE

This is in response to the Notification of a Defective Response mailed on 4 May 2000, accompanied by a Notification of a Defective Oath or Declaration, indicating that the Oath or Declaration did not identify an inventor. In a telephone conversation with Ms. Barbara Campbell on 12 May, the undersigned attorney learned that the defect resulted from the fact that the PCT application named Séverine HEMERY as an inventor, that the Declaration signed by said inventor showed her name as Séverine POETTE, and that no notification of a change was filed in the International Phase of this application.

In order to rectify this situation, there is attached hereto a Petition under 37 C.F.R. § 1.182 and a Declaration from Ms. Poette, in compliance with MPEP Section 605.04(c) (Rev. 1, 2000), said Petition is addressed to the Office of Petitions, as required by the MPEP.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EE647185621US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

June 5, 2000

Date of Deposit

Signature

Valentin Figueroa

Typed or Printed Name of Person Signing Certificate

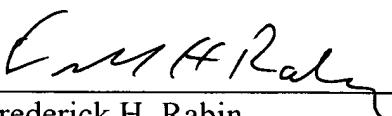
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Attorney's Docket No.: 08291-619001 / 10456P2-Usw

The declaration in compliance with 37 C.F.R. § 1.497 was filed on 3 April 2000.
The filing of this response will complete the requirements for entry into the National
Phase in the United States.

Respectfully submitted,

Date: 5 June 2000


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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

#4

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/381890	DESMOTS	S 08291/619001
INTERNATIONAL APPLICATION NO.		
PCT/GB98/00950		
I.A. FILING DATE	PRIORITY DATE	
30 MAR 98	09 APR 97	
DATE MAILED: 04 MAY 2000		

NOTIFICATION OF A DEFECTIVE RESPONSE

1. The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2. Applicant's response filed _____ was received in the Office on _____, which is after the expiration of the period for response set in the last Office notification mailed. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. Applicant's response filed 04/03/00 included the following items, the receipt of which is hereby acknowledged:

- Copy of the international application in:
 - a non-English language.
 - English.
- Translation of the international application into English which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f)) which is insufficient.
- Oath or Declaration of inventors(s).
- in compliance with 37 CFR 1.497(a) and (b).
- not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e)) which is insufficient.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s).
- Information Disclosure Statement(s).
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Other: EXTENSION OF TIME

4. All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed _____) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: PCT/DO/EO/917 Notice of Defective Translation

Barbara A. Campbell

Telephone: 703-305-3631



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/381890		DESMOTS	S 08291/619001
FREDERICK H RABIN FISH & RICHARDSON 45 ROCKEFELLER PLAZA SUITE 2800 NEW YORK, NY 10111		INTERNATIONAL APPLICATION NO.	
		PCT/GB98/00950	
		I.A. FILING DATE	PRIORITY DATE
		30 MAR 98	09 APR 97
DATE MAILED: 04 MAY 2000			

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or city and foreign country of residence or each inventor.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

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